

IN THE UNITED STATES COURT OF APPEALS

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No. 06-13150-B

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

OCT 16 2006

THOMAS K. KAHN
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PETER J. SMITH,

Plaintiff-Appellant,

versus

ALABAMA DEPARTMENT OF TRANSPORTATION,

Defendant-Appellee.

Appeal from the United States District Court for the
Middle District of Alabama

ORDER:

Appellant's motion to proceed on appeal in forma pauperis is DENIED because the appeal is frivolous. See Pace v. Evans, 709 F.2d 1428 (11th Cir. 1983).

/s/ Gerald Bard Tjoflat
UNITED STATES CIRCUIT JUDGE